

REMARKS

Claims 1 and 3 to 19 continue to be in the application.

New claims 20 to 25 are being introduced.

New claims 20 and 21 are based on Figs 3 and 4.

New claim 22 is based on the specification, page 6, line 12 to page 7, line 2.

New claim 23 is based on claim 5 and on Figs 3 and 4.

New claim 24 is based on Figs 3 and 4.

New claim 25 is based on the specification, page 6, line 12 to page 7, line 2.

The Office Action refers to Drawings.

The drawings stand objected to because Fig. 5 is not viewable. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Fig. 5 is an enlarged photocopy of a Polaroid color picture. Since the undersigned had only one Polaroid picture, only the enlarged photocopy was submitted with the application. A color copy of the Polaroid color

picture is now submitted, which shows the shingle more clearly. Applicant is in the process of getting a line drawing based on the color copy of Fig. 5.

The Office Action refers to the *Specification*.

The disclosure is objected to because of the following informalities: The changes to the specification submitted April 25, 2006 have not been entered because they do not comply with rule 37 CFR 1.121.

Applicant respectfully submits that it is not clear from the Office Action why the changes to the specification submitted April 25, 2006 do not comply with rule 37 CFR 1.121. The undersigned called the telephone number 1-571-272-6869 of the examiner Janet M. Wilkens on September 21, 2006 about noon time, but could not reach the Examiner for clarification, but left a message with the answering service of the Examiner. The Examiner kindly called back the same afternoon and explained that a clean copy of the changes had been submitted, but that now a marked-up copy of the changes was necessary. The present amendment brings changes to the specification in marked-up form.

The Office Action continues:

Therefore, the "italicized" rejection still stands. Furthermore, it should be noted that throughout the specification, the italicized paragraphs and respective immediately following paragraphs are similarly worded. (It appears that one is a correction of the other. For example, see an page 6, paragraphs two and three and paragraph 4 and the beginning of paragraph five.) Also an page 6, line 5, and page 7, line 4, the undercut zone is numeral 7, not 4 and an page 6, lines 10-11, numeral 6 is the undercut zone and numeral 5 is the element. Please note that the specification has not been checked for all possible errors: therefore, applicant is encouraged to modify appropriate portions thereof as necessary. Appropriate correction is required.

Applicant makes the appropriate corrections in marked-up form in the present amendment.

The Office Action refers to *Claim Objections*.

Claims 5, 11, 15 and 19 stand objected to because of the following informalities: for claims 5 and 19 "shindle" should be "shingle" and in claims 11 and 15, the period in line 2 and 8, respectively, should be deleted. Appropriate correction is required

Applicant appreciates the diligence of the Examiner and makes appropriate corrections to the claims.

The Office Action refers to *Claim Rejections - 35 USC § 112*.

Claims 1 and 3-19 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For claim 1, stating that the element "exhibits" a female mold "like" undercut zone and that the shoulders include male mold "like" undercut zones is confusing. It is unclear what exactly is being claimed in both cases. For claims 5 and 19, the limitations concerning the mating of the male and female zones are worded in an unclear manner (last paragraph of claim after "wherein"). For example, are plural shingles being claimed in this section? (Only one is claimed in the preambles of the claims.) For claim 7, stating that the element "exhibits" a female mold "like" undercut zone is confusing. For claim 18, stating that the element is formed "like" a projection is indefinite. It either is a projection or isn't. For claim 19, it is improper/confusing to have the phrase "essentially consisting of" in a claim. The use of "consisting of" is closed ended, meaning the limitations following this phrase are the features of the structure. The term "essentially" implies that the limitations following there after may not be the total/complete structure. Note: Modification could either be the use of "essentially comprising" or simply "consisting of". As the claim stands, the structural limitations are

being treated as open ended. Also for claim 19, it is indefinite to state that something is wall facing, since no wall has been claimed.

The claim rejections are well taken by the applicant and the present amendment changes the claims accordingly.

The Office action refers to *Claim Rejections - 35 USC § 102*.

Claims 1, 3-14, 16, 18 and 19 stand rejected under 35 U.S.C. 102(b) as being anticipated by Fischer (1,911,141). As best understood, Fischer teaches a roof shingle (Fig. 1; for any type of building) comprising: a shingle neck (2) and shingle body (1) with a raised engagement and guide element having a "female mold like undercut zone" (3, Lower portion of shingle, inner part being female zone) and shoulders having correspondingly dimensioned "male mold like undercut zones" (4; upper portions of 1). The male zones on the shoulders are half the length of the female zone and fit there within. The element is disposed between vertical parallel sides edges of the body. Furthermore, the angles of the female and male zones are the same (approximately 90 degrees).

Applicant amends the claims and disagrees.

Claim 1 now includes the language "wherein the female mold undercut zone (6) forms an inverted recessed channel together with an inner side of the shingle body, wherein the inverted recessed channel extends up to a width of the neck, wherein correspondingly dimensioned male mold [[like]] undercut zones (7) are disposed at two shingle shoulders (4), and wherein a profile of the inverted recessed channel shape matches a profile of the male mold undercut zone.."

Applicant respectfully submits that the Fischer reference fails to teach an inverted recessed channel as shown in Figs. 3 and 4 and now claimed in claim 1. Also, the new limitation of claim 1 "wherein a profile of the inverted recessed channel shape matches a profile of the male mold undercut zone.." is clearly outside the scope of the Fischer reference. In addition the

new limitation of claim 1 "wherein the inverted recessed channel extends up to a width of the neck," is clearly contrary to the teaching of the Fischer reference.

As to claim 5 it is believed that the claim language is now clarified with regard to an engagement of the male undercut zone and the female mold undercut zone. Fischer does not teach a male female engagement of shingles.

Claim 6 limits the height level of the raised engagement and guide element. No raised engagement and guide element is seen in the Fischer reference, and no height level limitation is suggested by the Fischer reference.

Claim 7 contains the limitation that the female mold undercut zone is open on a downward side. No downwardly open female mold undercut zone is seen in the Fischer reference.

Claim 8 limitates the relative length of a shoulder and of the raised engagement and guide element. The reference Fischer does not show this limitation.

Claim 11 requires the raised engagement and guide element to be overhanging. No overhanging raised engagement and guide element is seen in the Fischer reference..

Claaaim 18 requires that an end face of the raised engagement and guide element is disposed parallel to the plane of the shingle body. Such limitation is nowhere suggested in the reference Fischer.

Claim 19 is now worded as a closed end claim. As a closed end claim, claim 19 clearly defines the invention over the Fischer reference, which shows extra ribs 4 not present according to the present application.

The only agreement between applicants claims and the Fischer reference comprises that the the reference Fischer also teaches the shingle in

particular a roof shingle, which shingle comprises the shingle neck and the shingle body. A male mold like undercut zone 7 applied to the shingle shoulder 4 and a projecting guide element (= engagement element) 5 as well as the matrix like undercut zone 6 at the end of the shingle body to it is not taught in the Fischer reference and they cannot be contained in the Fischer reference since the Fischer reference presents circulating ribs (4) at the shingle neck, wherein the circulating ribs (4) cooperate with the ribs (3) of the shingle body. These ribs of the Fischer reference are in practical situations very much subject to interferences and very expensive and difficult to produce.

The shingle according to the Fischer reference cannot be compared both in the construction as well as in function to the very advanced shingle according to the present application. The reference Fischer does not lead a person of ordinary skill in the art to the present invention. The ribs (4) of the Fischer reference easily break under the rough handling of the roofer, while the shingle according to the present invention can be very quickly placed by a snap in of the guide and engagement element into respective shoulders.. In addition the sliding of the shingles during the roofing process is supported by the male mold undercut zone in the shoulder region.

The Office Action refers to *Claim Rejections - 35 USC § 103*.

Claim 15 stands rejected under 35 U.S.C. 103(a) as being unpatentable over

Fischer. As stated above, Fischer teaches the limitations of claims 5 and 14, including parallel edges on the body and neck. For claim 15, Fischer fails to teach that the neck sides are shorter than the body sides. The examiner takes Official notice that shingles having longer bodies than necks are well known in the art. Therefore, it would have been an obvious design consideration to one of ordinary skill in the art at the time of the invention to modify the shingles of Fischer by using shingles with longer bodies, so that fewer total shingles would be needed to cover the roof, saving time and costs.

Applicant respectfully disagrees. The size limitations of claim 15 refer to the specific shingle of this application. It appears to be irrelevant that other shingles are alleged to meet the same size limitations.

The Office Action refers to *Allowable Subject Matter*.

Claim 17 stands objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant sincerely appreciates the finding of allowable subject matter. The applicant plans to rewrite claim 17 in independent form upon finalization of the formal questions concerning claim 5 on which claim 17 depends.

Remarks concerning the remaining references.

The reference Edwards in United States Patent 467,791 shows the roof shingle without matrix and mold like elements.

The reference Ishikawa, Takashi in United States Patent 4,163,351 shows the roof shingle without matrix element and without mold like elements in contrast to the present invention.

. The reference Attley, Begonia in United States Patent 5,615,527 shows a shingle, where the shingle does not have a shingle neck.

The reference Charles F Helflinger in United States Patent 1,567,946 fails to teach a mold like undercut zone (7), a matrix like undercut zone (6) and a projecting guide and engagement element (5). Instead the reference teaches that the attachment of the shingles is performed by a fastening member (10), namely that is by eyes.

The reference Auger in United States Patent 912,057 fails to teach a mold like undercut zone (7), a matrix like undercut zone (6). Instead the reference teaches to employ clamps (6) as the attachment elements.

The reference Austin in United States Patent 1,004, 338 does not teach a shingle with shingle neck and shingle body, where alone this difference prevents this reference to suggest or teach the construction and function of the shingle of the present invention.

The reference Vandeman et al. in United States Patent 6,336,303 does not teach the shingle with shingle neck and shingle body. Thus the reference clearly fails to suggest the present invention.

The reference Babcock in United States Patent 430, 364 does not teach a mold like undercut zone in the region of the shingle shoulder, does not teach a matrix like undercut zone, and does not teach a projecting guide and engagement element in the sense of those elements of the present application.

The reference Miller William S in United States Patent 2,266,376 again fails to teach a mold like undercut zone (7) in the region of the shingle shoulder (4). The reference Miller further fails to teach a matrix like undercut zone (6) in the lower region of the shingle body and also no projecting guide and engagement element (5) is taught in the Miller reference.

The reference Killingsworth Joseph L in United States Patent 2,607,304 teaches the shingle, where the shingle is not subdivided in shingle neck and single body. Applicant submits that alone for this reason both the construction as well as the functioning of the present invention are not rendered obvious or anticipated by this reference.


The reference Harshberger Norman P in United States Patent 2,035,369 teaches a substantially rectangular or, respectively, trapezoidal shingle, where the shingle does not exhibit a shingle shoulder with mold like undercut zone (7) and no matrix like undercut zone (6) and no projecting guide element and engagement element (5).

Applicant further submits that the geometric configuration of the undercut zone 6 and 7 these are such that a slipping of the zone 4 to into the zone 6 occurs nearly completely.

Reconsideration of all outstanding rejections is respectfully requested.

All claims as presently submitted are deemed to be in form for allowance and an early notice of allowance is earnestly solicited.

Respectfully submitted,
Thomas Wegman

By: 
Horst M. Kasper, his attorney
13 Forest Drive, Warren, N.J. 07059
Telephone: (908)757-2839
Telefax: (908)668-5262
Reg.No. 28559; Docket No.: RTZ204A4